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Chairman Kevin Martin  
Federal Communications Commission  
445 12th Street, NW  
Washington, DC 20554

**Re: CS Docket 97-80**

Dear Chairman Martin:

I am a Time Warner Cable subscriber in the Los Angeles, California area and I recently purchased a TiVo Series3 HD DVR. On April 3, 2007 and again on April 6, 2007 and again on April 17, 2007, Time Warner Cable attempted to install cablecards in my TiVo Series3 DVR but was unable to make the cablecards to work so that I could receive all of the cable channels to which I subscribe. Time Warner blamed the problem on the Series3 DVR but I know from some Internet research that the Series3 was qualified by CableLabs and that there are thousands of Series3 DVRs that work just fine in Los Angeles and across the country.

Rather than provide me with cablecards that work properly, Time Warner told me I needed to use the Time Warner DVR instead of the TiVo Series3. Time Warner Cable even told me that I could not receive HBO (which is owned by Time Warner) and several other channels without using a Time Warner Cable box. I just don't believe this. It seems to me that Time Warner is intentionally putting up hurdles to discourage consumers from using TiVo instead of Time Warner's own DVR.

I understand that the cable industry has resisted using cablecards in their own products for years and is seeking further waivers from the FCC. From my personal experience in trying to get my cable operator to install working cablecards, I believe that the cable companies should have to use the very same cablecards that TiVo and other manufacturers have to use to unscramble cable television signals. In addition, the FCC should ensure that cablecards are able to receive all cable channels available to cable operator supplied boxes, including HBO, pay-per-view and video-on-demand channels.

Respectfully yours,  
*Gary Lee Byrd*